S.B.CRIMINAL MISC. BAIL APPLICATION NO.4778/2006
Date : 20.10.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Sunil Mehta for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case and the statement of the prosecutrix recorded under Section 164 Cr.P.C., I do not find it to be a fit case to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. is rejected. However, the learned trial court shall first record statement of the prosecutrix and after recording of the statement of the prosecutrix, the applicant shall be at liberty to move regular bail application before the learned trial court and if any such application is moved, the learned trial court shall decide the same in accordance with law.

(SATYA PRAKASH PATHAK), J.

vijayant